

James D. Weinberger (jweinberger@fzlz.com)  
Kimberly B. Frumkin (kfrumkin@fzlz.com)  
Andrew Nletes (anletes@fzlz.com)  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
151 West 42nd Street, 17th Floor  
New York, New York 10036  
(212) 813-5900

*Counsel for Defendant Warner Bros. Entertainment Inc.  
and Third-Party Plaintiff DC Comics*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHRISTOPHER WOZNIAK,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT INC.,

Defendant.

DC COMICS,

Third-Party Plaintiff,

v.

CHRISTOPHER WOZNIAK,

Third-Party Defendant.

Civil Action No. 22-cv-08969 (PAE)

**DECLARATION OF CHANTAL NONG  
IN SUPPORT OF WARNER BROS.  
ENTERTAINMENT INC. AND DC  
COMICS' MOTION FOR SUMMARY  
JUDGMENT**

I, Chantal Nong, declare as follows:

1. I am Executive Vice President at DC Studios, a division of WB Studio Enterprises Inc., a subsidiary of Warner Bros. Entertainment Inc. (“Warner Bros.”), the Defendant in this suit. I submit this declaration based upon my personal knowledge and/or my review of business

records of DC Studios and Warner Bros. in support of Warner Bros. and DC Comics' Motion for Summary Judgment.

2. I have been in my position as Executive Vice President of DC Studios since January 2023. In my position, I oversee the production of film, television, and animated content based on DC Comics' intellectual property.

3. Before I became Executive Vice President at DC Studios, I served as Senior Vice President, Production for DC-based Film Production at Warner Bros. Pictures (prior to the creation of DC Studios) from June 2020 to January 2023; Vice President, Production for DC-based Film Production at Warner Bros. Pictures from January 2018 to June 2020; Vice President, Production at Warner Bros. Pictures from February 2014 to January 2018; and Creative Executive, Production at Warner Bros. Pictures from June 2010 to February 2014. I have a 2006 Masters of Arts degree in film production from the USC School of Cinematic Arts.

4. The purpose of this declaration is to provide certain background about the motion picture *The Batman* (2022) as well as facts relating to certain claims and defenses alleged by the parties in this action.

5. In 2022, Warner Bros. released the motion picture *The Batman*. The film did not continue the stories of prior Batman movies; rather, it was a “reboot” of Batman as a film franchise and featured a new take on the character.

6. A motion picture featuring the Batman character started development at Warner Bros. in 2015, with an initial script written by Geoff Johns and Ben Affleck. Work continued on the Johns/Affleck version into early 2017. At that point, Warner Bros. approached critically acclaimed writer/director Matt Reeves to see if he would be interested in directing the project. After reviewing the script Reeves responded that he was not interested in directing the Johns/Affleck version, but had ideas for his own version that he would be interested in writing and directing. This resulted in Matt Reeves being hired to create, write, and direct a new Batman project from scratch.

7. I oversaw production of *The Batman* beginning in 2018. While other executives and I at Warner Bros. provided notes on particular scenes from *The Batman* that Matt Reeves and his co-writers had already created, the basic plot and storyline for the screenplay was initially created by Mr. Reeves without direction from Warner Bros.

8. All communications between Warner Bros. (the film studio) and DC Comics (the publishing company) regarding *The Batman* were conducted through me. While there were limited communications between Warner Bros. and DC Comics, they were minimal and occurred only after the script was complete and did not involve plot changes or additions.

9. Michael Uslan is not an employee of either DC Comics or Warner Bros. Based on my review of our company's business records, I understand that Mr. Uslan acquired an option to exploit Batman comic book characters in film in 1979. Later that year, Mr. Uslan made a deal with Casablanca Productions (which would become Polygram Pictures, Inc.) for the development of a motion picture based on Batman characters. Polygram Pictures, Inc. then assigned its rights to Warner Bros. in 1981. Warner Bros. and Mr. Uslan entered into a written amendment to the agreement in 1988, which provided, among other things, that Mr. Uslan would

receive a credit as “Executive Producer” on any future film released by Warner Bros. that included Batman characters. The agreement, however, did not provide for any creative control or involvement by Mr. Uslan over those films. The only Batman film that Mr. Uslan had any creative input in at all was *Batman (1989)* directed by Tim Burton and even then, his involvement was quite limited. Since 1989, as a result of the 1988 agreement, Mr. Uslan has been listed as an executive producer on over 40 live action and animated films because those films feature Batman characters in non-cameo roles, such as, for example, *The Lego Movie 2: The Second Part* (2019) but has had no creative involvement in any of them.

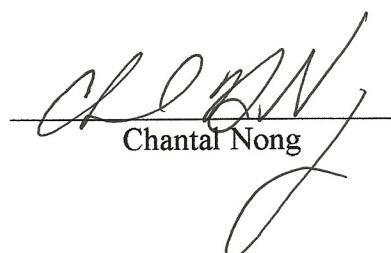
10. The above is consistent with my own personal experience as the only involvement Mr. Uslan had with Warner Bros. regarding *The Batman*, if it could be characterized as such, was a single lunch meeting with me and Walter Hamada, President of DC Studios, and two or three introductory emails, in March 2022 after the film had been released.

11. Thus, while Mr. Uslan is listed as an executive producer of *The Batman* (2022), he had no involvement in the development or production of the film at all.

12. I am advised that, upon the filing of this lawsuit, Warner Bros.’ legal department conducted a search of our records and found no copies of any story written by Christopher Wozniak.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 13<sup>th</sup> day of November 2023 in McLean, Virginia.



Chantal Nong